

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LYNN KAREN HOCK,

Appellant,

v.

U.S. DEPARTMENT OF EDUCATION,

Appellee.

NO. 3:21-cv-00134-FDW

RESPONSE TO APPELLANT’S MOTION FOR EXTENSION OF TIME

The Department of Education (“DOE”), by and through the undersigned counsel, responds as follows to Appellant Lynn Karen Hock’s motion to extend the time for filing her appellant’s brief by sixty (60) days, until and including March 15, 2022.

1. The DOE does not oppose a thirty (30) day extension of Appellant’s deadline to file her opening brief.

2. On January 5, 2022, Appellant emailed the undersigned AUSA, indicating her intent to file a motion for extension and requesting the DOE’s position on either a 30- or 60-day extension of time to file her appellant’s brief.

3. On January 6, 2022, the undersigned AUSA replied by email to Appellant that the DOE “does not oppose a 30-day extension of the time to file your opening brief.”¹

¹ The most likely explanation as to paragraph 7 in Appellant’s Motion is that Appellant physically mailed her motion that day prior to receiving the email regarding the DOE’s position.

4. The DOE, however, does not believe a blanket 60-day extension (comprising twice the original time period to prepare and file the appellant's brief, for a total of 90 days) is warranted under the reasons set forth in Appellant's Motion. *See* Text Only Bankruptcy Scheduling Order, Docket Entry dated 12/15/2021 ("Any extensions of time will be granted only upon a showing of good cause."). This case was originally filed close to three years ago on March 3, 2019. Appellant was ably represented by counsel in the underlying bankruptcy action and is herself a former practicing attorney of some (albeit not recent) experience. The instant appeal should proceed without unnecessary delay.

Respectfully submitted this 11th day of January, 2022.

DENA J. KING
UNITED STATES ATTORNEY

/s/ Seth Johnson
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CERTIFICATE OF SERVICE

I certify the foregoing document was served via ECF notification and on pro se Plaintiff/Appellant by United States Mail at the following address: 21447 Harken Dr. Cornelius, NC 28031.

/s/ Seth Johnson
Assistant United States Attorney